

Notice of Allowability

Application No.

10/628,063

Applicant(s)

LAWSON, DOUGLAS K.

Examiner

Erica E Cadugan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 3/4/2005 and interview of 3/14/2005.
2. ☒ The allowed claim(s) is/are 1-15, 17-19 and 31-40.
3. ☒ The drawings filed on Figs 1-7 & 10 f. 7/25/03 & figs 8-9 f. 3/5/04 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Larry Coats on March 14, 2005.

The application has been amended as follows:

In claim 1, line 1, "tool" has been changed to --device--.

In claim 1, penultimate line, "tool" has been changed to --device--.

In claim 2, line 1, "tool" has been changed to --device--.

In claim 3, line 1, "tool" has been changed to --device--.

In claim 4, line 1, "tool" has been changed to --device--.

In claim 5, line 1, "tool" has been changed to --device--.

In claim 6, line 1, "tool" has been changed to --device--.

In claim 7, line 1, "tool" has been changed to --device--.

In claim 8, line 1, "tool" has been changed to --device--.

In claim 9, line 1, "tool" has been changed to --device--.

In claim 10, line 1, "tool" has been changed to --device--.

In claim 11, line 1, "tool" has been changed to --device--.

In claim 12, line 1, "tool" has been changed to --device--.

In claim 13, line 1, "tool" has been changed to --device--.

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In claim 35, line 14, "along" has been changed to --around--.

2. The following is an examiner's statement of reasons for allowance:

U.S. Pat. No. 4,332,066 to Hailey et al., JP 64-2811 ('281), and JP 60-131106 ('106) are representative of the closest prior art of record to the present invention as set forth in the independent claims (1, 14, 31, 35, and 40). Note that each of these references was discussed in detail in the previous office action (mailed 11/2/2004), and as such, such detail will not be repeated herein.

Firstly, it is noted that claims 4, 8, and 10 were set forth as being allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, set forth in the Office action of 11/2/04, and to include all of the limitations of the base claim and any intervening claims. It is further noted that new independent claim 31 represents former claim 10 so rewritten, new independent claim 35 represents former claim 8 so rewritten, and that new independent claim 40 represents former claim 4 so rewritten. There has been nothing to cause a change in the status of these claims (i.e., nothing to cause the previous indication of allowability of these claims to have been withdrawn), and thus, each of independent claims 31, 35, and 40 are allowable over the prior art.

Regarding independent claim 14, it is noted that in the office action of 11/2/04, claim 16 was set forth as being allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, set forth in the Office action of 11/2/04, and to include all of the limitations of the base claim and any intervening claims. Claim 16 was incorporated into independent claim 14 without the intervening claim 15. However, it is noted that the prior art does not teach or fairly suggest, in combination with the other claim limitations, the deburring tool including the

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connector that “includes a terminal end that extends into the opening of the pivot bearing and wherein an opening is formed within the terminal end of the connector for receiving a spreading plug that spreads the terminal end of the connector into engagement with the pivot bearing” as now set forth in independent claim 14.

Additionally, regarding independent claim 1, firstly, upon further review, Examiner agrees that the limitation proposed by Examiner to limit the back wall to being “planar” is not necessary to define over the Hailey patent.

Even assuming *arguendo* that the outer circumferential wall of the motor located radially inwardly of the member 85 is considered a “back wall” since it is located “behind” (in the direction of the rotation axis) the “front” end of the spindle to which the tool bit 109 is attached (thus enabling one of the spherical members 85 to be considered the claimed “connector” that “extends from the back wall” and that is “connected to the pivot bearing” 79), it is noted that the “compliance device” including the plurality of spring-biased pin assemblies 61 (Figures 2-5, col. 3, lines 11-32 and col. 5, lines 1-17 and 41-55) that extends around the pneumatic motor is not located “between” such “back wall” and the “front end of the spindle” that is “configured to attach to a deburring tool” (see Figure 2). Instead, the described compliance device is located at an even distance with the described “back wall” with respect to the location of the claimed “front end” of the spindle “configured to attach to a deburring tool” (see Figure 2).

For at least this reasoning, Hailey et al. does not anticipate the present invention as set forth in independent claim 1. Also, there is no combinable teaching in the prior art of record that would reasonably motivate one having ordinary skill in the art to so modify the teachings of

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Hailey, and thus, Hailey does not render obvious the present invention as set forth in independent claim 1.

Re '281, the "compliance device" 12 is not "at a location between the back wall and the front end of the spindle", but is instead located completely behind the spindle and anything that could be considered the "back wall" as set forth in claim 1.

Also, there is no combinable teaching in the prior art of record that would reasonably motivate one having ordinary skill in the art to so modify the teachings of '281, and thus, '281 does not render obvious the present invention as set forth in independent claim 1.

Re '106, it is noted that '106 does not teach a "spherical pivot bearing" as set forth in claim 1 (but instead teaches pivot bearings of the type shown in Figures 2, 4, and 5). Also, there is no combinable teaching in the prior art of record that would reasonably motivate one having ordinary skill in the art to so modify the teachings of '106, and thus, '106 does not render obvious the present invention as set forth in independent claim 1. Furthermore, it appears that to so modify '106 would change the principle of operation of the device of '106, i.e., would preclude it from functioning as intended. If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). See also MPEP Section 2143.01.

For at least the foregoing reasoning, the prior art of record neither anticipates nor renders obvious the present invention as set forth in the independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erica E Cadugan whose telephone number is (571) 272-4474. The examiner can normally be reached on M-F, 7:30 a.m. to 5:00 p.m., alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H. Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Erica E Cadugan
Primary Examiner
Art Unit 3722

eec

March 14, 2005